

Final Text of Poland's country narrative in the 2009 Trafficking in Persons (TIP) Report:

Poland (TIER 1)

Poland is a source country for men and women trafficked to Italy, Austria, Germany, Belgium, France, Spain, Sweden, the Netherlands, and Israel for purposes of forced labor and sexual exploitation. It is also a transit and destination country for women trafficked from Moldova, Ukraine, Bulgaria, Romania, Belarus, Russia, Sudan, Senegal, Uganda, Kenya, Djibouti, China, and Vietnam for the purpose of commercial sexual exploitation. Women from Ukraine, Bulgaria, Mongolia, and Vietnam are trafficked to Poland for purposes of forced labor, forced begging, and debt bondage.

The Government of Poland fully complies with the minimum standards for the elimination of trafficking. The government increased its reflection period for foreign victims to 90 days. The government also significantly increased funding for victim assistance programs, by pledging additional support for the only specialized trafficking shelter in the country and expanded the capacity of non-specialized shelters and crisis intervention centers to provide assistance to trafficking victims. The government worked with NGOs and international organizations to raise awareness of trafficking in Poland and abroad, including a limited number of campaigns to reduce demand for commercial sex acts.

Recommendations for Poland: Continue training for prosecutors and judges on the application of the existing trafficking law; ensure that a majority of trafficking offenders serve time in prison; expand sensitivity and awareness training for municipal and regional police and border guards; ensure that male trafficking victims are provided with adequate housing; continue to increase the shelter system's capacity to assist victims; and conduct additional awareness campaigns to reduce the demand for commercial sex acts.

Prosecution

The Government of Poland demonstrated progress in its overall law enforcement efforts during the reporting period. Poland prohibits all forms of trafficking through its criminal code. Article 203, Article 204, Sections 3 and 4, and Article 253 of the criminal code are used to prosecute sex trafficking cases. Article 253 and organized crime statutes are used to prosecute labor trafficking cases, though there are no provisions that specifically define and address trafficking for labor exploitation. Prosecutors rely on trafficking definitions in the 2000 UN TIP Protocol when pursuing cases against traffickers. Penalties prescribed under Article 253 range from 3 to 15 years' imprisonment, and Articles 203 and 204 prescribe from one to 10 years' imprisonment; these punishments are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. Law enforcement officials and NGOs continued to report that the lack of a clear legal definition of trafficking in Poland's criminal code limits effective prosecutions. Police investigated 119 alleged trafficking violations in 2008 under Articles 253, 203, and 204 (Sections 3 and 4), compared to 122 alleged trafficking violations in 2007.

Authorities prosecuted 78 individuals in 2008, under Articles 253, 203, and 204 (Sections 3 and 4) an increase from 62 prosecutions in 2007. In 2008, 46 traffickers were convicted in Courts of First Instance under Articles 253 and 203, an increase from 43 convictions in 2007. Post-appeal sentences, which are considered final, are collected for Articles 253, 203, and 204 (Sections 3 and 4). In 2007, the most recent year for post-appeal sentencing data, 24 out of 42 convicted traffickers -- or 57 percent -- received suspended sentences; the remaining 18 convicted traffickers were given sentences ranging from one to five years' imprisonment. In 2006, 39 out of 86 -- or 45 percent -- of convicted traffickers were given suspended sentences. In 2008, the government continued to provide trafficking-related training to judges and prosecutors. There were also numerous training programs for law enforcement officials on victim identification. In March 2009, Poland's Central Anti-Trafficking Police Unit issued a new set of guidelines on identifying victims of forced begging to regional police units around the country.

Protection

The government demonstrated improved efforts to assist trafficking victims during the reporting period. Specifically, the government increased its direct assistance to the country's only specialized trafficking shelter by 40 percent (to \$70,000) and in January 2009 pledged an additional \$215,000 in emergency funding to keep the shelter open through December 2009. The promised grant was awarded in April 2009. In addition, the government expanded its network of specialized crisis intervention centers, which served both trafficking and domestic violence victims, from 33 in 2007 to 37 in 2008, and initiated a nationwide training program with the centers to improve provision of assistance to trafficking victims. The Law on Social Assistance provides that all foreign victims of trafficking are entitled to assistance. There are no specialized shelters for male victims of trafficking; as a result, male trafficking victims who require temporary housing are placed in facilities that provide social services and shelter for homeless people, as well as half-way houses for recently released prison inmates. Over the last year, 315 victims were identified by NGOs and authorities; most victims requested and received government-funded assistance. In October 2008, the government extended the reflection period for foreign victims from two to three months; two victims used the reflection period in 2008. There were reports that police encouraged victims to cooperate immediately with law enforcement and to forego the reflection period. In 2008, twenty-one victims assisted law enforcement with trafficking investigations.

Prevention

The government demonstrated adequate efforts to prevent trafficking through awareness-raising activities in 2008. For example, the Ministry of Foreign Affairs (MFA) published a guidebook for Poles working abroad, warning them about the dangers of labor exploitation. A local government also conducted an awareness campaign through posters and leaflets targeting Polish labor migrants and provided information on methods of trafficking recruitment and offered practical advice on what to do if a person is trafficked. The MFA also distributed approximately

140,000 leaflets through Polish consulates in Eastern Europe and Central Asia for foreigners granted Polish work visas. The government carried out a limited number of law enforcement and public awareness campaigns to reduce demand for commercial sex acts over the year. The government provided anti-trafficking training for all military personnel and police being deployed abroad for international peacekeeping missions.